

## NOTICE

Madison County Board of Supervisors Chairman Clay Jackson has called for a special meeting of the Board of Supervisors that will convene on Sunday, January 31, 2021 at 2:00 PM pursuant to § 15.2-1417 and § 15.2-1418 of the Code of Virginia, amendment 28 to HB29, and Sec. 2.2A of the Madison County Board of Supervisors Bylaws and Rules of Procedure. The purpose of the meeting is to discuss the County's position on the proposed SB1355 and Greene County's proposal to leave the Rapidan Service Authority.

Pursuant to County policy and practice, this notice is being provided directly to all Board members, the County Attorney and the local press and to the public via posting on the County's web site.

The meeting will be held electronically due to the pandemic, the need to move rapidly on this item and today's inclement weather. Access to the proceedings may be had via the information provided below. A recording of the session will be posted on the County web site.

The majority of the meeting is expected to be conducted during closed session.

Jack Hobbs  
County Administrator

### Meeting Access Information:

Madison County Board of Supervisors  
Sun, Jan 31, 2021 2:00 PM - 4:00 PM (EST)

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/305287621>

You can also dial in using your phone.

(For supported devices, tap a one-touch number below to join instantly.)

United States: +1 (408) 650-3123 Access Code: 305-287-621

- One-touch: <tel:+14086503123,305287621#>

New to GoToMeeting? Get the app now and be ready when your first meeting starts:

<https://global.gotomeeting.com/install/305287621>



**Agenda**  
**Board of Supervisors Meeting**  
**Sunday, January 31, 2021 at 2:00 PM**  
**Via GoToMeeting**

1. **Call to Order**
2. **Determine Presence of a Quorum / Adopt Agenda**
  - This special meeting has been called to conduct essential County business under procedures and for the purposes contained in the meeting notice.
  - The meeting will be recorded and a video of the proceedings will be posted on the County web site after the session.
  - We do not anticipate taking public comments during this session.
  - Supervisors who leave meeting or arrive are expected to note attendance.
  - Are there any questions about the process or what has been arranged?
3. **Closed Session (negotiations & legal)**
4. **Action (if any)**
5. **Adjourn** to February 4, 2020 at 2:00 PM in the Board Auditorium for a FY22 budget worksession

**Suggested Closed Session Actions: January 31, 2021 v1**

I move that the Board convene in a closed session pursuant to Virginia Code Sections

- A. 2.2-3711(A)(7) for consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body, and
- B. 2.2-3711(A)(29) for discussion of the award of a public contract involving the expenditure of public funds and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

	Foster	Jackson	Hoffman	McGhee	Yowell
Motion:					
Second:					
“Aye”:					
“Nay”:					
Absent:					

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**Motion to Reconvene In Open Session:**

I move that the Board re-convene in open session.

	Foster	Jackson	Hoffman	McGhee	Yowell
Motion:					
Second:					
“Aye”:					
“Nay”:					
Absent:					

**Motion to Certify Compliance:**

I move to certify by roll-call vote that only matters lawfully exempted from open meeting requirements pursuant to Virginia Code Section 2.2-3711(A) (7) and (29) only matters that were identified in the motion to convene in a closed session were heard, discussed or considered in the closed meeting.

	Foster	Jackson	Hoffman	McGhee	Yowell
Motion:					
Second:					
“Aye”:					
“Nay”:					
Absent					

## **§ 2.2-3711. Closed meetings authorized for certain limited purposes. (Excerpts)**

A. Public bodies may hold closed meetings only for the following purposes:

**Personnel** 1. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some student and the student involved in the matter is present, provided the teacher makes a written request to be present to the presiding officer of the appropriate board. Nothing in this subdivision, however, shall be construed to authorize a closed meeting by a local governing body or an elected school board to discuss compensation matters that affect the membership of such body or board collectively.

**Real Estate** 3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

**Privacy** 4. The protection of the privacy of individuals in personal matters not related to public business.

**Economic Development** 5. Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

**Legal** 7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

**Legal** 8. Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

**Public Safety** 19. Discussion of plans to protect public safety as it relates to terrorist activity or specific cybersecurity threats or vulnerabilities and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such matters or a related threat to public safety; discussion of information subject to the exclusion in subdivision 2 or 14 of § 2.2-3705.2, where discussion in an open meeting would jeopardize the safety of any person or the security of any facility, building, structure, information technology system, or software program; or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure.

**Negotiations** 29. Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

**Economic Development** 39. Discussion or consideration of information subject to the exclusion in subdivision 3 of § 2.2-3705.6 related to economic development.

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SENATE BILL NO. 1355  
AMENDMENT IN THE NATURE OF A SUBSTITUTE  
(Proposed by the Senate Committee on Local Government  
on January 18, 2021)  
(Patron Prior to Substitute—Senator Hanger)

*A BILL to allow the withdrawal of a member of the Rapidan Service Authority.*

**Be it enacted by the General Assembly of Virginia:**

1. § 1. That any locality that is a member of the Rapidan Service Authority may withdraw therefrom, regardless of whether there are any outstanding bonds of the Rapidan Service Authority.

§ 2. That withdrawal of any locality that is a member of the Rapidan Service Authority shall be contingent on the condition that (i) any written obligation to the Rapidan Service Authority incurred by a locality while the locality was a member shall remain in full force and effect; (ii) upon withdrawal, the withdrawing locality shall assume ownership and management of any Rapidan Service Authority asset located within the boundaries of the withdrawing locality; (iii) upon withdrawal, the withdrawing locality shall assume any debt related to any asset described in clause (ii); and (iv) the Rapidan Service Authority shall obtain the unanimous consent of all the holders of any outstanding bonds unless all such bonds have been paid or cashed or United States government obligations have been deposited for their payment.

§ 3. That the governing body of any locality wishing to withdraw from the Rapidan Service Authority shall signify its desire by resolution or ordinance. The resolution or ordinance for withdrawal of a member locality of the Rapidan Service Authority shall be advertised in accordance with the provisions of § 15.2-5104 of the Code of Virginia. Upon adoption or approval of the ordinance or resolution of withdrawal, the governing body of the locality seeking to withdraw from the Rapidan Service Authority shall file a notice of withdrawal with the State Corporation Commission. The notice of withdrawal from the Rapidan Service Authority shall be executed by the proper officers of the withdrawing locality under its official seal and shall be joined in by the proper officers of the governing board of the Rapidan Service Authority.

§ 4. That if the State Corporation Commission finds that the notice of withdrawal conforms to the requirements of this act, it shall acknowledge the notice of withdrawal. At such time as the State Corporation Commission acknowledges the notice of withdrawal, it shall issue to the withdrawing locality and to the Rapidan Service Authority a certificate of withdrawal attached to the notice of withdrawal. The withdrawal shall become effective, and the terms of office of the board members representing the locality withdrawing from the Rapidan Service Authority shall terminate, upon the issuance of such certificate.

SENATE SUBSTITUTE

SB1355S1

Greene, Madison & Orange Counties  
Joint Position Statement on SB1355  
January 29, 2021

The counties of Greene, Madison and Orange are members of the Rapidan Service Authority (RSA). After careful consideration, all three jurisdictions recognize their mutual interests in a service realignment that may be best accomplished with the passage of SB1355.

Accordingly, all three counties support the passage of SB 1355 with the following amendment:

*§ 3. That the governing body of any locality wishing to withdraw from the Rapidan Service Authority shall signify its desire by resolution or ordinance. The resolution or ordinance for withdrawal of a member locality of the Rapidan Service Authority shall be advertised in accordance with the provisions of § 15.2-5104 of the Code of Virginia. Upon adoption or approval of the ordinance or resolution of withdrawal, the governing body of the locality seeking to withdraw from the Rapidan Service Authority shall file a notice of withdrawal with the State Corporation Commission. The notice of withdrawal from the Rapidan Service Authority shall be executed by the proper officers of the withdrawing locality under its official seal and shall be joined in by the proper officers of the governing board of the Rapidan Service Authority. Upon providing such notification of intent to withdraw the withdrawing locality shall complete a review and inventory the assets located within its boundaries that it intends to own and manage and transmit that inventory along with a plan of operation including continuity of service for all customers impacted by the withdrawal, including those situated in the other localities. Any shared assets used for the maintenance and operation of the combined utility system shall be proportionally distributed to the member jurisdictions, or the Authority, as is applicable, based on number of customers served.*

All three counties are also asking their respective RSA Board representatives and directing RSA staff and agents to immediately discontinue their opposition to SB1355.

Signatures below represent concurrence of the jurisdiction represented:



**HB29:**

**Amendment 28: Allow policy-making boards to meet virtually during emergency declarations**

Item [4-0.01](#)

**Operating Policies**

Operating Policies

Language

Language:

Page 280, after line 26, insert:

“g. Notwithstanding any other provision of law, any public body, including any state, local, regional, or regulatory body, or a governing board as defined in § [54.1-2345](#) of the Code of Virginia may meet by electronic communication means without a quorum of the public body or any member of the governing board physically assembled at one location when the Governor has declared a state of emergency in accordance with § [44-146.17](#), provided that (i) the nature of the declared emergency makes it impracticable or unsafe for the public body or governing board to assemble in a single location; (ii) the purpose of meeting is to discuss or transact the business statutorily required or necessary to continue operations of the public body or common interest community association as defined in § [54.1-2345](#) of the Code of Virginia and the discharge of its lawful purposes, duties, and responsibilities; (iii) a public body shall make available a recording or transcript of the meeting on its website in accordance with the timeframes established in §§ [2.2-3707](#) and [2.2-3707.1](#) of the Code of Virginia; and (iv) the governing board shall distribute minutes of a meeting held pursuant to this subdivision to common interest community association members by the same method used to provide notice of the meeting.

A public body or governing board convening a meeting in accordance with this subdivision shall:

1. Give notice to the public or common interest community association members using the best available method given the nature of the emergency, which notice shall be given contemporaneously with the notice provided to members of the public body or governing board conducting the meeting;
2. Make arrangements for public access or common interest community association members access to such meeting through electronic means including, to the extent practicable, videoconferencing technology. If the means of communication allows, provide the public or common interest community association members with an opportunity to comment; and
3. Public bodies must otherwise comply with the provisions of § [2.2-3708.2](#) of the Code of Virginia.

The nature of the emergency, the fact that the meeting was held by electronic communication means, and the type of electronic communication means by which the meeting was held shall be stated in the minutes of the public body or governing board.”